

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALEX BARAJAS,

Petitioner,

v.

GREG LEWIS,

Respondent.

Case No.: 10-CV-2974-LHK

ORDER REQUESTING FURTHER
BRIEFING

The parties are hereby requested to provide further briefing on whether, if the Court were to find that the relevant “kill zone” jury instruction, CALCRIM No. 600, was unconstitutional, such constitutional error “‘had a substantial and injurious effect or influence in determining the jury’s verdict.’” *Fry v. Pliler*, 551 U.S. 112, 116, 122 (2007) (quoting *Brecht v. Abrahamson*, 507 U.S. 619, 638 (1993)).

Petitioner shall file a brief, not to exceed 5 pages, by March 1, 2012.

Respondent shall file an opposition, not to exceed 5 pages, by March 15, 2012.

Petitioner shall file a reply, not to exceed 3 pages, by March 22, 2012.

IT IS SO ORDERED.

Dated: January 27, 2011


LUCY H. KOH
United States District Judge